

**FILED**

**FEB 24 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

LUIS OMAR ALVAREZ ACUNA,

Plaintiff - Appellant,

v.

LOCAL 408 UNITED BROTHERHOOD  
OF CARPENTERS AND JOINERS OF  
AMERICA, Its Officers, Organizers,  
Representatives, Business Agents and  
Administration Officials aka Local 408  
Carpenters; et al.,

Defendants - Appellees.

No. 05-15150

D.C. No. CV-02-01703-ROS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Roslyn O. Silver, District Judge, Presiding

Submitted February 21, 2006<sup>\*\*</sup>

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

05-15150

Before: SCHROEDER, Chief Judge, GOODWIN and RAWLINSON, Circuit Judges.

A review of the record, appellant's response to this court's October 17, 2005 order to show cause and the response, reply and sur-reply indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The district court did not err in dismissing appellant's action. *See Brydges v. Lewis*, 18 F.3d 651, 652 (9th Cir. 1994) (holding that district court did not err in summarily granting defendants' motion for summary judgment pursuant to local rule where pro se plaintiff failed to respond to motion after district court had warned plaintiff that it would deem his failure to respond a consent to granting of motion).

Accordingly, we summarily affirm the district court's judgment.

**AFFIRMED**